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NCDOT Discrimination Grievance Process for Exempt Employees

This policy establishes the discrimination, harassment, and retaliation complaint review process for applicants, employees, or former employees of positions that are exempt from Article 8 of the North Carolina Human Resources Act and the State Human Resources Employee Grievance Policy (hereafter “exempt”), including Global TransPark Authority, North Carolina Ports Authority, and N.C. Turnpike Authority positions; NCDOT exempt policy-making positions; and NCDOT exempt managerial positions.

In accordance with state and federal protections, the process for applicants, employees, or former employees of exempt positions to file a complaint of discrimination, harassment, or retaliation is as follows. An applicant for exempt State employment, probationary exempt State employee, former probationary exempt State employee, exempt State employee, or former exempt State employee alleging unlawful discrimination, harassment or retaliation based on race, religion, color, national origin, sex, sexual orientation, gender identity, age, genetic information, or disability must file a written complaint with the NCDOT EEO Manager within **15 calendar days** of the alleged discriminatory or retaliatory act that is the basis of the complaint. The complaint must be filed using the EEO Informal Complaint Intake Form and must be delivered using one of the following methods:

- A. **Mail** - The complaint may be mailed to NCDOT Office of Civil Rights, EEO/ADA Unit, 1511 Mail Service Center, Raleigh, NC 27599-1511 and must meet the deadline.
- B. **FTS** – NCDOT employees may use the File Transfer System (<https://fts.dot.state.nc.us>) to submit the written complaint form to jweley@ncdot.gov.
- C. **Fax** – The complaint may be faxed to (919)-508-1814 and the date of the fax must meet the deadline.
- D. **Hand Delivery** – The complaint may be hand delivered to the Equal Opportunity & Workforce Service Office and the date of delivery must meet the deadline.
- E. **E-Mail** - The complaint may be e-mailed to EEOManager@ncdot.gov and the date emailed must meet the deadline. The sender must enter the word SECURE in the subject line of the email.

If the complaint alleges facts that would constitute unlawful discrimination, harassment or retaliation as prohibited by law, the complaint will be investigated as part of the EEO Informal Inquiry. NCDOT has 45 calendar days from receipt of the complaint to investigate and respond to the complainant, unless the complainant and NCDOT mutually agree in writing to extend the time not to exceed 15 calendar days. At the conclusion of the investigation, the EEO Manager shall communicate the outcome of the investigation in writing to the complainant. If there is reasonable cause to believe that unlawful discrimination, harassment, or retaliation occurred, management shall take appropriate action to resolve the matter. If the complaint is successfully resolved, the complainant will sign a letter of agreement with NCDOT detailing the terms of the resolution. There is no further right of appeal through the internal grievance process.

A charge of discrimination may be filed directly with the Equal Employment Opportunity Commission (EEOC) in addition to or instead of filing through the internal grievance process. Information about filing an EEOC charge and deadlines for filing the charge can be found at: <http://www.eeoc.gov/employees/charge.cfm> or by calling the EEOC at 800-669-4000.

Questions about the filing process may be referred to the NCDOT EEO/ADA unit at 919-508-1844.